

REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

DISCLOSURE/SPECIFICATION AMENDMENTS

The disclosure/specification has been objected to because of the Office Action concerns listed within the section numbered "1" on page 2 of the Office Action. As the disclosure/specification has been carefully reviewed and has been amended where appropriate in order to address each of the Office Action listed concerns, reconsideration and withdrawal of the objection to the disclosure/specification are respectfully requested.

PENDING CLAIMS

Claims 1-5 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended and/or added in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1-7 will be pending for further consideration and examination in the application.

ALL REJECTIONS UNDER 35 USC '102 AND '103 - TRAVERSED

All 35 USC rejections (i.e., the 35 USC '102 rejection of claims 1-4 as being anticipated by Kori et al. (US 6,480,607 B1); and, the 35 USC '103 rejection of claim 5 as being unpatentable over Kori et al. in view of Traw et al. (U.S. 5,949,877)) are respectfully traversed. However, such rejections have been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

In order to properly support a '102 anticipatory-type rejection, any applied art reference must disclose each and every limitation of any rejected claim. The applied art does not adequately support a '102 anticipatory-type rejection because, at minimum, such applied art does not disclose (or suggest) the following discussed limitations of Applicant's claims.

Applicant's disclosed and claimed invention operates differently from Kori et al. More particularly, Kori et al. is concerned with ALWAYS providing dual encryptions between a disc drive unit and a data processing unit (see items 21, 22, 32, 31 in Kori et

al.'s FIG. 4). In contrast, Applicant's disclosed and claimed invention (e.g., claim 1) first detects whether or not an incoming stream is encrypted or not. Further, Applicant's invention then has watermark detection/protection which kicks in when Applicant's encryption system detection means detects that an incoming stream is not encrypted. More particularly, attention is directed to the Applicant's FIG. 2 chart for a specific listing of such operations. Other ones of Applicant's claims have similar or analogous features/limitations. In short, Applicant's disclosed and claimed arrangement is neither disclosed nor suggested by Kori et al, and such deficiency is not cured by combination with Traw et al.

Applicant's claims 6 and 7 go even further. More particularly, further protection is added as Applicant's disclosed and claimed invention further looks at a type of medium which reproduced an incoming stream, and looks to see whether an appropriate encryption system/type was used for that type of medium (e.g., was CSS used for a DVD-ROM?). If the encryption does not match the medium type, Applicant's disclosed and claimed invention prohibits reproduction/copying. Again, Applicant's disclosed and claimed arrangement is neither disclosed nor suggested by Kori et al, and such deficiency is not cured by combination with Traw et al.

In addition to the foregoing, the following additional remarks from Applicant's foreign representative are also submitted in support of traversal of the rejection and patentability of Applicant's claims.

Kori is characterized in that a first encryption is applied on the video/audio signal reproduced from the disk, and a second encryption is applied onto the information indicative of a disk type thereof, thereby to be delivered. However, according to the present invention, the video/audio signal, which is recorded in the disk itself, is encrypted, and there is provided a means or step for determining that the encryptions are plural in the kinds thereof. Applicant respectfully submits that the "encryption system detection means" according to the present invention differs from that disclosed in Kori.

In more details of this, as the encryptions or ciphers, the following may be applied onto the signal recorded on the disk; for example, CSS for the DVD-ROM, CPRM for the DVD-RAM, and CPPM for the DVD-Audio, etc. Thus, the encryptions or ciphers differ in the kinds thereof. According to the present invention, determining the difference of the encryption system, in particular, in the kind thereof, the reproduction of the disk is stopped if the encryption system is not that which is determined to the disk. Namely, Applicant respectfully submits that the present invention is so different from the disclosure of the cited Kori reference.

Regarding the "information analysis means" in Claim 2, it is described that it is known whether it is regular or not, from the description of the cited Kori reference that the copy restriction information is superimposed on the video signal. However, according to the present invention, what is disclosed therein is a means for determining whether it is a correct or regular stream of the MPEG 2. As an example of the

advantage of Applicant's invention, an electronic watermark (hereinafter, "WM") cannot be detected from MPEG 2 when there is a simple changing of the format of the MPEG 2 a little bit, for example, by copying it into a recording medium illegally. According to Applicant's advantageous invention, it is determined whether a reproduced stream is a correct MPEG 2 stream or not. If not, reproduction/copying can be prohibited. With this, Applicant respectfully submits that the present invention differs from the cited Kori reference.

With Claim 3, such clarified claim is related, for example, to Applicant's FIG. 5, and the accompanying description in the specification of the present invention.

Further, clarified Claim 5 has the selection or switching means, as well as means for operating the electronic watermark detection means. Those feature are described in Fig. 9 and the accompanying description thereof.

Method Claims 6 and 7 are described in Fig. 7 and the accompanying description thereof.

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support a '102 anticipatory-type rejection or '103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '102 and '103 rejections, and express written allowance of all of the rejected claims, are respectfully requested.

EXAMINER INVITED TO TELEPHONE

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

Masaru TAKAHASHI et al., 09/392,564
Amdt. dated 03 November 2003
Reply to Office action of 01 August 2003

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To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (referencing case No. 520.37550X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



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